

**Virginia Soil and Water Conservation Board  
Wednesday, May 26, 2004  
Natural Resources Conservation Service  
Richmond, Virginia**

**Virginia Soil and Water Conservation Board Members Present**

David L. Moyer, Chairman  
A. Dewey Bond  
Donald O. "Spec" Campen  
Granville Maitland  
Ray Dorsett for M. Denise Doetzer

Joseph H. Maroon  
Linda S. Campbell  
W.P. "Billy" Johnson  
Jean Packard

**Virginia Soil and Water Conservation Board Members Not Present**

Robert M. Hall

Susan Taylor Hansen

**Staff**

William G. Browning  
Jack E. Frye  
Lee Hill

David C. Dowling  
Michael R. Fletcher  
Mark B. Meador

**Others**

John Bailey, Lake of the Woods Association  
Greg Evans, VASWCD  
Stephanie Martin, VASWCD  
Wilmer Stoneman, Virginia Farm Bureau

**Call to Order**

Chairman Moyer called the meeting to order at 9:35 a.m. and declared a quorum present. He thanked NRCS for hosting the meeting.

**Minutes of March 19, 2004 Meeting**

MOTION: Mrs. Campbell moved that the minutes of the March 19, 2004 meeting be approved as submitted.

SECOND: Mr. Maitland.

DISCUSSION: Mrs. Packard noted that Mrs. Campbell's name was omitted from the members in attendance list and that Mr. Hall's name was omitted from the members not in attendance list.

Mrs. Campbell and Mr. Maitland agreed to amend the motion to approve the minutes as corrected.

VOTE: Motion carried unanimously.

### **Director's Report**

Mr. Maroon provided information regarding budget items. A copy of this information is available from the offices of the Department of Conservation and Recreation.

Mr. Maroon noted that there was a surplus in the previous year's Water Quality Improvement Fund so this budget started with approximately \$1.9 million. The legislature added \$15 million, or \$7.5 million for each year. They also added the same amount for the Department of Environmental Quality.

Language to merge the Chesapeake Bay Local Assistance Department with the Department of Conservation and Recreation is included in the budget bill. The merger is effective July 1, 2004. The staff for CBLAD has been reduced by three to seventeen and the budget has been reduced by almost \$300,000.

Mrs. Packard asked about the reporting requirements for Best Management Practices. She noted that the emphasis on agricultural BMPs does not apply to Fairfax County.

Mr. Frye said that there is clearly an agricultural focus in the BMP program.

Mr. Maroon noted that the budget legislation included reporting requirements of annual statistics, by District, that include the number of farmers, the number of acres in farms and in agricultural production, the number of farmers participating in District programs by program, the number of acres by product under each type of agricultural best management practice, the budget and expended funds for each agricultural best management practice, and other information needed by DCR to evaluate the quantitative impact of Soil and Water Conservation District practices and funding on Virginia's water quality and land conservation goals.

Mr. Maroon also noted that budget language requires DCR to review Soil and Water Conservation District programs to identify potential improvements in water quality and soil erosion programs. Based on the findings, DCR is to propose changes in SWCD practices, staffing and funding, including the potential for performance-based funding. The final report is due December 31, 2005.

He noted that this would be a major undertaking and suggested that staff need to develop an approach and timetable for the collection of this information. Staff can then bring this back to the board for consideration. This information is needed for reporting purposes in the fall.

Mrs. Campbell noted that Districts should be informed quickly of this requirement.

Mr. Maroon noted that the Department was given a similar study for state park fees.

Mr. Maroon noted that language included asked DCR to do a review the criteria used to evaluate land conservation grant applications. Significant review process.

### **Stormwater Management Presentation**

Mr. Maroon gave a presentation on the Consolidation of and Improvements to Virginia's Stormwater Management Programs. He noted that as of July 1, 2004 Stormwater issues are the responsibility of the Soil and Water Conservation Board. A copy of the presentation is available from the Department of Conservation and Recreation.

As a result of the Governors April 2003 Natural Resources Summit, the Secretary of Natural Resources requested the Director of DCR to convene an inter-agency task force to develop a plan and recommendations. The task force included the Director of DCR, the Deputy Director of DEQ, the Director of CBLAD, Secretary of Natural Resources staff and agency headquarters and field staff.

The goals of the restructuring were to: reduce public confusion, clarify requirements and oversight, create a more even playing field, coordinate inspections and findings, improve enforcement authority, eliminate overlap in local reporting requirements and to eliminate redundant agency program reviews.

Several meetings were held with groups representing local governments, Soil and Water Conservation Districts, the Homebuilders Association and environmental and conservation groups.

The key recommendations were:

1. Consolidate stormwater programs related to construction activities within DCR.
2. Transfer oversight of municipal stormwater programs to DCR.
3. Establish a more uniform statewide construction permitting program.
4. Establish statewide stormwater requirements for projects with land disturbances of 1 acre or greater (with allowance for lower threshold in CBPA).
5. Empower local governments to implement stormwater management programs.
6. Develop a statewide permit fee system.
7. Encourage low-impact approaches and better site designs.
8. Consolidate SWM and ESC local program reviews.
9. Increase role for the Virginia Soil and Water Conservation Board.
10. Industrial stormwater permit program would remain at DEQ.
11. Eliminate separate CBLAD requirements by incorporating into new statewide approach.

HB 1177 was introduced by Delegate Preston Bryant on behalf of Governor Warner. The legislation as passed does the following:

- Amends the existing Virginia Stormwater Management Act.
- Streamlines state stormwater programs by combining them into a single agency (DCR) with oversight by a single Board (Virginia Soil and Water Conservation Board); simplifies construction permits; streamlines local government requirements; improves the environment.
- Puts localities more directly into the permitting of stormwater discharges.
- Empowers localities to work with Soil and Water Conservation Districts, neighboring localities, PDCs, etc. to implement HB1177.
- Authorizes localities to issue a single permit for stormwater and the erosion and sediment control law.
- Sets January 2005 (or whenever EPA approves authorization, whichever is later) as the effective date of the legislation.
- By July 1, 2006 Bay Preservation Act localities and those larger localities designated as MS4 phase I or II shall adopt a Stormwater construction permit program consistent with HB1177.
- All other localities are authorized to opt-in and administer a local stormwater program. Requires them to notify DCR by July 1, 2005 of initial intent to seek delegation.
- In localities no delegate responsibility, DCR will issue the stormwater permits for land disturbing activities.
- Participating localities will share in the stormwater construction permit fee currently charge by the state.
- Allows for sharing of at least 70% of the stormwater construction permit fees with the delegate localities. Remainder goes to DCR for statewide program management, training, technical assistance, oversight, and issuance. Currently, none of those state fees are shared with localities.
- DCR will utilize DEQ fee levels (as modified during the 2004 session).

DCR will be authorized to fill 15 new staff positions to be paid from permit fees. Mr. Maroon noted that this is the only major regulatory program he knows of that is to be funded by permit fees only and where the state fees are shared with local governments.

The next steps are to:

- Amend current Virginia Stormwater Management regulations to reflect changes made in HB1177 (maybe in 2 phases).
- Seek EPA authorization for DCR to administer federal portion.
- Transfer board responsibility to Virginia Soil and Water Conservation Board on July 1, 2004.
- Develop additional regulatory procedures for delegating responsibilities to localities, addressing state agency project review, LID, etc.
- Develop model ordinance.

- Educate and involve stakeholders.

Mr. Frye noted that members had a copy of the legislation in their packets.

Mr. Maroon noted that this new responsibility will change the scope of future Board meetings.

### **Urban Program Update**

Mr. Hill presented the Campbell County proposed alternative inspection program.

MOTION: Mr. Bond moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendations regarding the proposed Alternative Inspection Program for Campbell County and that the Board concur with the staff recommendation and accept Campbell County's proposed Alternative Inspection Program for review and future action at the next Board Meeting.

SECOND: Mrs. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Hill presented the Botetourt County proposed alternative inspection program.

MOTION: Mrs. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update and recommendations regarding the proposed Alternative Inspection Program for Botetourt County and that the Board concur with the staff recommendations and accept Botetourt County's proposed Alternative Inspection Program for review and action at the next Board meeting.

SECOND: Mr. Johnson.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Hill presented a request for the approval of 2004 Annual Standards and Specifications for Utility Companies for Buckingham Branch Railroad Company.

**MOTION:** Mrs. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update concerning the review of the 2004 annual standards and specifications for electric, natural gas, telecommunications and railroad companies and that the Board concur with staff recommendations for conditional approval of the 2004 specifications for the railroad company listed below in accordance with the Erosion and Sediment Control Law. Further, the Board requests the Director have staff notify said company of the status of the review and conditional approval of the annual standards and specifications.

**SECOND:** Mrs. Campbell.

**DISCUSSION:** None.

**VOTE:** Motion carried unanimously.

Mr. Hill presented the proposed list for the review of local Erosion and Sediment Control Programs as follows:

<b>Local Program</b>	<b>Type</b>	<b>Watershed Office</b>
Albemarle*	County	Richmond
Amelia	County	Richmond
Blacksburg	Town	Dublin
Bridgewater*	Town	Staunton
Bristol*	City	Abingdon
Dumfries*	Town	Warrenton
Farmville	Town	Richmond
Franklin	County	Clarksville
Halifax	County	Clarksville
Hampton*	City	Suffolk
Henry	County	Clarksville
Haymarket	Town	Warrenton
James City*	County	Tappahannock
Norton	City	Abingdon
Orange	County	Tappahannock
Powhatan	County	Richmond
Pulaski	County	Dublin
Roanoke	County	Clarksville
Rockbridge	County	Staunton
Southampton	County	Suffolk
Stafford*	County	Tappahannock
Sussex	County	Suffolk
Tazewell	County	Abingdon
Vienna	Town	Warrenton

Virginia Beach	City	Suffolk
Washington*	County	Abingdon
Winchester	City	Staunton
Wythe	County	Dublin
Wytheville	Town	Dublin
York	County	Tappahannock

\*Localities previously approved for review by the VSCCB and carried over to FY05.

MOTION: Mrs. Packard moved that the Virginia Soil and Water Conservation Board receive the staff update regarding the review of local erosion and sediment control programs and that the Board concur with staff recommendations on which local programs to review for FY05 and approve the proposed list of localities for completion of a minimum of 20 and up to 32 reviews for FY05.

SECOND: Mr. Johnson.

DISCUSSION: None.

VOTE: Motion carried unanimously.

### **District Director Resignations and Appointments**

Mr. Meador presented the following list of District Director Resignations and Appointments:

#### *Loudoun*

Resignation of S. Ann Robinson, Loudoun County, effective 4/7/04, elected director position (term of office expires 1/1/08).

Recommendation of Steve W. Cawthorn, Loudoun County to fill unexpired elected term of S. Ann Robinson (term of office to begin on or before 6/25/04 – 1/1/08).

#### *Prince William*

Resignation of Martin E. Nohe, Prince William County, effective 12/31/03, elected director position (term of office expires 1/1/08).

Recommendation of Matthew A. Brooks, Prince William County, to fill unexpired elected term of Martin E. Nohe (term of office to begin on or before 6/25/04 – 1/1/08).

MOTION: Mrs. Campbell moved that the Virginia Soil and Water Conservation Board approve the resignation and appointment actions as presented by DCR staff and that staff be directed to communicate the Board actions to the affected individuals and their SWCDs.

SECOND: Mrs. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

**City of Roanoke Petition to Join the Blue Ridge SWCD**

Chairman Moyer expressed appreciation to Linda Campbell for serving as the hearing officer.

Mr. Meador reviewed the process and the status of the petition. The Board approved the petition as valid in January. Hearings were held in April.

Mrs. Campbell expressed appreciation for the assistance provided by Mr. Meador and Mr. Fletcher. She noted that, while participation at the hearings was minimal, only positive response was received.

Mr. Meador noted that members had previously received transcripts from the hearings, along with one hand-written letter of support.

Mr. Meador reviewed the next steps for Board response to the petition.

MOTION: Mr. Maitland moved that with full consideration to provisions of § 10.1-512 (*Code of Virginia*), the Board hereby resolve that there is a need in the interest of the public health, safety and welfare for an amendment to the boundaries of the Blue Ridge Soil and Water Conservation District (BRSWCD) to realign by adding the Soil and Water Conservation District function within the boundaries of Roanoke City, and to continue to function in the counties of Henry, Franklin and Roanoke and that further the Board direct DCR staff to communicate this action to the Roanoke City Manager, the counties of Henry, Franklin and Roanoke and to the BRSWCD.

SECOND: Mrs. Campbell.

DISCUSSION: Mr. Bond asked if the District had not originally opposed this motion.



Mr. Maitland noted that the District concern related to the Carvin's Cove property outside the boundaries of the City and located in an existing District. The city removed that property from the petition and with that action the Blue Ridge District expressed their support.

VOTE: Motion carried unanimously.

Mr. Meador noted that the next step in the process would be for the Board to determine whether the action is administratively practicable and feasible.

Mr. Meador referred to the Board Financial Policy adopted October 2003 which states in part:

- Given authority established by § 10.1-512. and § 10.1-514. of the *Code of Virginia*, the Board will require commitments of financial support from the locality(ies) of the newly created or realigned SWCD in situations where the creation of a new district, or realignment of an existing district will result in a reduction of funding to all other districts.

A copy of this policy is available from the DCR Offices.

Mr. Meador noted that the addition of Roanoke City to the Blue Ridge SWCD would require two new directors on the District Board. According to the policy that would require a financial commitment of \$1,000 from the City of Roanoke.

Mr. Meador referenced a letter from the City Manager of Roanoke stating that the City is prepared to make that financial commitment. A copy of that letter is on file at the DCR offices.

MOTION: Mrs. Packard moved that with due consideration of § 10.1-514. (*Code of Virginia*) and other relevant information, the Virginia Soil and Water Conservation Board hereby resolve that the operation of the realigned Blue Ridge Soil and Water Conservation District through the inclusion of the City of Roanoke, is administratively practicable and feasible. The Board directs DCR staff to communicate this action to the Roanoke City Manager, the counties of Henry, Franklin and Roanoke and to the BRSWCD. Further, the Board directs DCR staff to proceed with organization of the district to include bringing forward nominees for district directors to represent the City of Roanoke on the BRSWCD board, communication to the U.S. Department of Justice (as required by federal law), and preparation of the application specified within § 10.1-517 (*Code of Virginia*).

SECOND: Mr. Johnson.

DISCUSSION: Mrs. Campbell noted that city officials had expressed their comfort with the funding requirements. She also noted that the city was looking forward to working with the District for conservation education.

VOTE: Motion carried unanimously.

### **Use of Fiscal Year 04 SWCD Operations Support Funds**

Mr. Meador reviewed a document outlining the use of Fiscal Year 04 SWCD Operations Support Funds. These funds are managed by DCR on behalf of all Districts. The funding amount available for FY04 is \$107,883. This includes a \$15,000 grant to the Virginia Association of Soil and Water Conservation Districts. A copy of this document is available from the DCR offices.

On behalf of the Association, Mr. Evans presented a memorandum regarding the funding. A copy of this memorandum is available from the DCR offices.

Mr. Evans noted that funding to the Association has been fixed at \$15,000 for a number of years. He said that while the cost of everything has gone up, the Association has been absorbing the cost increases. He asked that the Board consider raising the grant amount by \$5,000 for a total of \$20,000.

Mr. Maroon expressed support of this request. He noted that the Board would need to take action at this meeting in order for it to take affect in the current fiscal year. He noted that, if the action was taken, it would be important for the Board to realize that for the first year the \$5,000 may be needed to fulfill legislative requirements from certain budget actions. DCR will have a clearer picture of this in July and the Board can readdress it at that point.

**MOTION:** Mrs. Packard moved that the Board raise the budget amount of SWCD Operations Support Funds from \$103,200 to \$108,200 with the understanding that the additional funds would go to the carry over fund. For the first year, additional funding would be provided to the association as close to the \$5,000 amount as possible with the first priority being the funding of legislative priorities noted by Mr. Maroon.

**SECOND:** Mrs. Campbell.

**DISCUSSION:** Mr. Maroon noted that each of Districts will still be getting an increase in funding and that there is no net loss to any of the Districts by this motion.

**VOTE:** Motion carried unanimously.

**DCR/SWCD FY05 Grant Agreements for Operational and Cost-Share Program Funds**

Mr. Meador presented a proposed list of Soil and Water Conservation District FY 2004-2005 Performance Deliverables for Board consideration. A copy of the list is available in the DCR offices. He noted that at the March meeting, because the state budget had not been finalized that there were no recommended actions at that time.

Mr. Meador explained that, according to established Board policy, the Board has the authority to approve the list of deliverables. He noted two proposed amendments to the deliverables:

- In the interest of local community public health, safety and water quality, assist DCR with identification of dams that could threaten life or property and dams that were formerly non-regulated prior to the July 1, 2002 change in the *Code of Virginia* which pertains to the definition of impounding structures.
- Provide data and other information needed for preparation of legislated studies and reports that pertain to programs and services delivered by SWCDs.

Mr. Maroon noted that the purpose of the first amendment was to ask districts to try to help identify dams that are possible threats and that may not have been previously regulated. He mentioned that this had been briefly discussed at a previous Board meeting. The intent is for notification purposes only. He suggested language changes to the amendment that would clarify the intent. The changes were viewed favorably by the board.

Mr. Evans noted that the Districts were concerned that this was a new major assignment for Districts and that this would be part of the evaluation for each district.

Mr. Meador distributed a list of criteria used by staff for assessing District performance. He noted the proposed additions as items 12 and 13.

Mrs. Packard noted that a new administration may view this requirement differently and that she did not think this should be listed as a deliverable.

MOTION: Mr. Maitland moved that the proposed item twelve should be removed from the list of deliverables and placed below the list with no established evaluation criteria.

SECOND: Mrs. Packard.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Meador said that staff had met with individuals representing districts on the matter of the BMP Cost-Share program. He noted that DCR intends to work closely with Association leadership before the next meeting. He provided members with a draft separate agreement for the Cost Share program.

Mr. Maroon noted that this was a work in progress. The intent is to have the agreement out by July 1, 2004. Several comments were made by Board members and other attendees. Mr. Meador asked for any additional comments by June 4, 2004.

### **Dam Safety Certificates and Permits**

Mr. Browning presented the list of Dam Safety Certificates and Permits.

#### *Out of Compliance*

01533	Fauber	AUGUSTA COUNTY	Class I
06119	Lake Mellott	FAUQUIER COUNTY	Class II
07915	Green Mountain	GREENE COUNTY	Class II
08703	Gillie Creek	HENRICO COUNTY	Class II
17907	Little Lake Arrowhead	STAFFORD COUNTY	Class II
17908	Lake Arrowhead	STAFFORD COUNTY	Class II

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board authorize DCR staff to work with the Attorney General's Office on drafting a certified letter requiring the owner of Greene Mountain Dam, Inventory Number 07915, to partially drain the lake to provide safety measures for downstream property while the required corrective measures are made to bring the impoundment structure into compliance with the Virginia Dam Safety Act.

SECOND: Ms. Packard.

DISCUSSION: None

VOTE: Motion carried unanimously.

#### *Operation and Maintenance Certificate Recommendations*

00321	Red Hill Quarry	ALBEMARLE COUNTY	Class III Regular
01501	South River #26	AUGUSTA COUNTY	Class I Conditional
01502	South River #25	AUGUSTA COUNTY	Class I Conditional
01508	South River #23	AUGUSTA COUNTY	Class I Conditional
01509	South River #6	AUGUSTA COUNTY	Class I Conditional

03125	Otter River Raw Water Terminal	CAMPBELL COUNTY	Class III Regular
03324	Lake Caroline	CAROLINE COUNTY	Class I Regular
04502	Johns Creek #1	CRAIG COUNTY	Class I Conditional
04503	Johns Creek #3	CRAIG COUNTY	Class I Conditional
04905	Clements	CUMBERLAND COUNTY	Class III Regular
06123	Winslow (Seneca Lake)	FAUQUIER COUNTY	Class II Conditional
07508	Reservoir #1	GOOCHLAND COUNTY	Class II Regular
07525	Lake Dillon	GOOCHLAND COUNTY	Class III Regular
07527	Broad Branch #2	GOOCHLAND COUNTY	Class II Regular
09908	Darr	KING GEORGE COUNTY	Class III Regular
13502	Epes	NOTTOWAY COUNTY	Class III Regular
14705	Goodwin	PRINCE EDWARD COUNTY	Class III Regular
14735	Bush River #12	PRINCE EDWARD COUNTY	Class I Regular
15321	Possum Point Ash #E	PRINCE WILLIAM COUNTY	Class III Regular
16308	Turner	ROCKBRIDGE COUNTY	Class II Regular
16512	Massanutten	ROCKINGHAM COUNTY	Class III Regular
17101	Stoney Creek #9	SHENDANDOAH COUNTY	Class I Conditional
17104	Woodstock	SHENANDOAH COUNTY	Class I Conditional
17915	Rocky Pen Run Regional Pond	STAFFORD COUNTY	Class III Regular

Mr. Browning noted that Goodwin Dam (#14705) was owned by the DCR Division of State Parks. Mr. Maroon said that he would abstain from voting on that certificate.

MOTION: Mrs. Packard moved that the Virginia Soil and Water Conservation Board approve the Operation and Maintenance Certificate recommendations as presented by staff, with the exception of Goodwin Dam #14705, and that staff be directed to communicate Board actions to the affected dam owners.

SECOND: Mr. Campen.

DISCUSSION: None.

VOTE: Motion carried unanimously.

MOTION: Mrs. Campbell moved that the Virginia Soil and Water Conservation Board approve the Class III Regular certificate for Goodwin Dam #14705 as presented by staff, and that staff be directed to communicate Board actions to the affected dam owners.

SECOND: Mr. Campen.

DISCUSSION: None.

VOTE: Motion carried with Mr. Maroon abstaining.

*Permit Recommendations*

06150 High Mountain Farm	FAUQUIER COUNTY	Class III
06521 Fluvanna Women's Inst.	FLUVANNA COUNTY	Class III Conditional
12514 Black Creek Impoundment	NELSON COUNTY	Class III
15327 Meadows Wet Pond	PRINCE WILLIAM	Class III
15328 Meadows Dry Pond	PRINCE WILLIAM	Class III
17913 Potomac Creek #2	STAFFORD COUNTY	Class II Regular

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board approve the Permit Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

*Extension Recommendations*

00304 Lower Ragged Mountain	ALBEMARLE	Class I Cond.	July 2004
00356 Upper Ragged Mountain	ALBEMARLE	Class I Cond.	July 2004
01516 Upper Wallace	AUGUSTA	Class III Reg.	July 2004
01903 Beaver Creek	BEDFORD	Class II Reg.	July 2004
03507 Stewarts Creek – Lovills Creek Dam #9	CARROLL	Class I Reg.	July 2004
03701 Roanoke Creek #70A	CHARLOTTE	Class III Reg.	July 2004
04903 Collins	CUMBERLAND	Class III Reg.	Sept. 2004
04906 Pearsall	CUMBERLAND	Class III Reg.	Sept. 2004
07507 Pruitt's	GOOCHLAND	Class III Reg.	Sept. 2004
07528 Tuckahoe Lake	GOOCHLAND	Class III Reg.	Sept. 2004
08439 Mattawan	HANOVER	Class III Reg.	Sept. 2004
14111 David	PATRICK	Class II Reg.	Sept. 2004
14718 Mottley	PRINCE EDWARD	Class III Reg.	July 2004
15322 Prince William Parkway	PRINCE WILLIAM	Class II Reg.	Sept. 2004
18705 Lake Front Royal	WARREN	Class II Reg.	July 2004
19314 Red Oak	WESTMORELAND	Class II Reg.	Sept. 2004

MOTION: Mr. Campen moved that the Virginia Soil and Water Conservation Board approve the Extension Recommendations as presented by DCR staff and that staff be directed to communicate the Board actions to the affected dam owners.

SECOND: Mr. Maitland.

DISCUSSION: None.

VOTE: Motion carried unanimously.

Mr. Browning noted that DCR has received a request for an alteration permit from the Lake of the Woods association. The Board previously extended the actions on these two dams until July 2004.

Mr. Maroon recognized Mr. John Bailey from the Lake of the Woods Association. He noted that at the request of the Board, DCR staff and Deputy Secretary of Natural Resources David Paylor met with representatives from the Lake of the Woods Association.

Mr. Bailey thanked the Board and indicated that he would like to address some items of concern.

Regarding the low level drain issue, engineering specifications have been completed and that work is scheduled to begin by the end of September 2004.

He noted that a question at previous meeting addressed building in the flood zone. There was no ordinance addressing that issue, but the Association is looking at a comprehensive plan and taking steps to develop that ordinance.

Additional plans will be reviewed with DCR staff.

A new survey on elevation data is being completed on Keaton's Run.

Mr. Maroon thanked Mr. Bailey and said that the Association is actively working to address the issues of concern.

MOTION: Mrs. Packard moved that the Virginia Soil and Water Conservation Board approve the Alteration Permit recommendations as presented by DCR staff to evaluate and repair the pressurized conduit through the embankment of Lake of the Woods (LOW) Dam, Inventory Number 13701, contingent upon confirmation at the June 2, 2004 meeting between DCR staff and LOW representatives that such actions would be necessary as part of the



comprehensive approach to addressing the dam's compliance issues.

SECOND: Mrs. Campbell.

DISCUSSION: None.

VOTE: Motion carried unanimously.

### **Partner Agency Reports**

#### *Natural Resources Conservation Service*

Mr. Dorsett gave the report for the Natural Resources Conservation Service. A Copy is attached as Attachment #1

### **Public Comment**

Mr. Evans expressed appreciation for Mr. Moyer and Mr. Bond on behalf of the Association. He said that for the July meeting he would like the Board to re-examine the funding formula.

Mr. Moyer noted that this may be an item for an ad hoc committee.

### **Next Meeting**

The next meeting will be Thursday, July 15, 2004 at 9:30 a.m. The preferred location is Charlottesville.

### **Adjourn**

There being no further business, the meeting was adjourned.

Respectfully submitted,

David L. Moyer  
Chairman

Joseph H. Maroon  
Recording Secretary

Attachment #1

**NRCS REPORT  
VIRGINIA SOIL & WATER CONSERVATION BOARD  
MAY 26, 2004  
NRCS CONFERENCE ROOM  
RICHMOND, VA**

---

**NRCS BUDGET**

Allocations have been sent to the states. In Virginia, we have Congressional earmarks for Marrowbone Dam renovation implementation, Buena Vista flood control, and the Delmarva Initiative. Delmarva's funding includes additional financial assistance funds for the Eastern Shore's Wildlife Habitat Incentives and Farm and Ranchland Protection.

**FARM BILL PROGRAMS** - \$15 Million in financial assistance has been allocated to Virginia for FY-2004.

**Environmental Quality Incentive Program (EQIP)** – The first evaluation period has ended and the applications are being evaluated and will be approved this week. Sign up will continue for the remaining fiscal year.

**Grassland Reserve Program (GRP)** – The interim final rule is to be published in the Federal Register this week and will be open for a 60-day comment period. We expect guidance to be provided after this period with approval of applications late in the fiscal year.

**Wildlife Habitat Incentive Program (WHIP)** – Sign up has started and all applications will be processed and approved through the new Protracts software.

**Farm and Ranchland Protection Program (FRPP)** – The application period has ended and the staff is reviewing the proposal submitted. There were 6 proposals submitted statewide. It appears all, if eligible, can be funded.

**Conservation Reserve Program (CSP)** – No additional guidance has been received and it looks like Virginia will not participate in FY 2004.

**DEPUTY SECRETARY VISITS VIRGINIA DURING NATIONAL AGRICULTURE WEEK** – On March 18, 2004, Deputy Secretary Moseley visited Virginia's Shenandoah Valley as part of National Agriculture Week. Through tours and informational conversations with employees, farmers and students, Mr. Moseley highlighted the importance of agriculture to all citizens. His stop included the USDA Service Center in Stephens City, where he talked with staff from the various agencies and toured the facility, a family owned and operated dairy farm, the historic Kernstown Battlefield where USDA's Farm and Ranch Lands Protection Program helps preserve the Civil War Battlefield and protect 315

acres of agriculture land from development, Sherando High School where Mr. Moseley talked with AG students about issues facing farmers and the importance of preserving agriculture land for the next generation of farmers, and a sheep and cattle operation at Cloverdale Farm.

### **LEGISLATIVE STAFFERS VISIT**

On April 22, a NRCS district conservationist in Madison County hosted a tour of NRCS projects for six staff members from the NRCS Legislative Affairs Staff and the Congressional Research Service in Washington, D.C. It was a rare opportunity for legislative staff that develops rules for federal cost share programs to see what these programs look like on the ground.

They visited a farm for cow-calf production cropland converted to wildlife habitat, the White Oak Dam in Madison County, which was repaired after severe storms in 1995 and 1996, and restored wetlands in the Cedar Run Watershed Project.

### **RC&D – CIVIL RIGHTS IN EDUCATION HERITAGE TRAIL GRAND OPENING**

To promote tourism and preserve history, the Old Dominion RC&D has established a self-guided trail to tell the story of the struggle by African Americans, women, Native Americans, the economically disadvantaged, and developmentally delayed, to receive an education equal to that of white males. Traversing 300 miles across 13 counties and the City of Petersburg, the trail features 41 historically significant sites with detailed interpretations and photos at each location.

The launching of the trail on May 14, 2004, coincided with the planned celebration of the 50<sup>th</sup> anniversary of Brown vs. Board of Education Supreme Court Decision. Civil Rights and prominent state leaders, including the governor were in attendance. The anchor site for the trail located in Farmville, VA, is the Robert Russa Moton Museum: A Center for the Study of Civil Rights in Education. This event was featured on NBC's Today show.

### **DAM REHAB ACTIVITIES**

The implementation phase of the Marrowbone rehab project is ongoing and the SWCD is in the process of obtaining land rights. An Engineering firm is under contract with NRCS to provide a biddable set of plans and specifications for the project which should be ready by mid-July.

The planning process for dam rehabilitation is ongoing. Three dams in the Headwaters SWCD and sites in Fairfax County are in need of rehabilitation.

Mountain Castles SWCD has indicated that they will be submitting applications for dam rehab assistance for two of their structures.

### **PL – 566 FLOOD CONTROL**

NRCS has been working with Buena Vista city officials and the Natural Bridge SWCD on beginning the PL-566 flood control project for the city. NRCS and the city have signed a cooperative agreement for the city to provide project management services for the work.

### **SOIL SURVEY UPDATE**

Mapping season and field reviews for the ongoing soil surveys is in full swing. Database work has been completed on a number of surveys. Three correlation documents are complete and signed for Franklin County, Amherst County and the City of Richmond. Also the table information for each survey has been loaded on the eFOTG site for use by NRCS and the Public.

### **Reorganization of Technology and Programs in the State Office**

A decision was made to divide duties in the state office to align our field support structure in accordance with national guidance. Technical specialists such as our agronomist and biologist will report to the State Resource Conservationist. This staff will focus on emerging technology and keeping our field personnel technically competent. The Farm Bill Program managers and support staff for Farm Bill software will report to the Assistant State Conservationist for Programs. Ken Carter has accepted a reassignment from State Resource Conservationist to The Assistant State Conservationist for Programs. A job announcement for the State Resource Conservationist will be posted soon.